IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 3RD JANUARY 2007 / 13TH POUSHA 1928

Crl.MC.No. 3469 of 2006()

CC.577/2002 of JUDL. MAGISTRATE OF FIRST CLASS-V, KOZHIKODE

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PETITIONERS:

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1. M.MUSTHAFA, AGED 32 YEARS, S/O. ISMAIL, MUKKORKANDIYIL, VELLAYIKODE AMSOM & DESOM, PANTHEERANKAVU, KOZHIKODE.

2. LAILA, AGED 27 YEARS, ADVOCATE, D/O. ISMAIL, MUKKORKANDIYIL, VELLAYIKODE AMSOM & DESOM, PANTHEERANKAVU, KOZHIKODE.

3. ISMAIL, AGED 58 YEARS, S/O. ALAVI, MUKKORKANDIYIL, VELLAYIKODE AMSOM & DESOM, PANTHEERANKAVU, KOZHIKODE.

4. MARIYAM, AGED 55 YEARS, W/O. ISMAIL, MUKKORKANDIYIL, VELLAYIKODE AMSOM & DESOM, PANTHEERANKAVU, KOZHIKODE.

5. JAMEELA, AGED 30 YEARS, D/O. ISMAIL, MUKKORKANDIYIL, VELLAYIKODE AMSOM & DESOM, PANTHEERANKAVU, KOZHIKODE.

6. FAISAL, AGED 25 YEARS, S/O. ISMAIL, MUKKORKANDIYIL, VELLAYIKODE AMSOM & DESOM, PANTHEERANKAVU, KOZHIKODE.

BY ADV. SRI.MANJERI SUNDERRAJ
SRI.B.PREMNATH (E)

RESPONDENTS/STATE AND COMPLAINANT:

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1. STATE OF KERALA, REP. BY STATION HOUSE OFFICER, NALLALAM POLICE STATION, KOZHIKODE CRIME/FIR NO.235/2002, REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

2. V.K.SHAHIDA, AGED 24 YEARS,
D/O. M.ABDU RAHIMAN, VELLARAM KANDY HOUSE,
KANNIPARAMBA AMSOM & DESOM,
KOZHIKODE DISTRICT.

BY PUBLIC PROSECUTOR SRI.K.A.AKBAR
R1 SRI.A.K.HARIDAS

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 03/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.3469 of 2006

Dated this the 3rd day of January, 2007

ORDER

The petitioners are the husband and relatives of the 2nd respondent, the defacto complainant. The defacto complainant has raised allegations against the petitioners of they having committed offence punishable, inter alia, under Section 498 A and 406 I.P.C. On the basis of the final report submitted by the police, cognizance has been taken by the learned Magistrate.

2. The petitioners have come to this Court with a prayer to quash the proceedings. The short contention is that the disputes between the parties and the 2nd respondent have been settled amicably between the parties. Annexure-2 is the agreement, which is entered into between the parties. All their disputes have been settled thereby. It is in these circumstances prayed that notwithstanding the fact that the offence under Section 498 A is not compoundable, in the interests of matrimonial harmony, the proceedings may be quashed invoking the powers under Section 482 Cr.P.C and as approved in the decision in **B.S.Joshy v. State of Haryana** [A.I.R (2003) S.C 1386].

3. The 2nd respondent, defacto complainant has also entered appearance. A joint statement has been filed by the rival contestants duly counter signed by their respective counsel. I am satisfied that

the parties have willingly and voluntarily settled all their disputes. I am satisfied that in these circumstances the request for quashing the proceedings can be accepted.

4. In the result, this Crl.M.C is allowed. C.C.No.577 of 2002 pending before the Judicial Magistrate of the First Class -V, Kozhikode against the petitioners is hereby quashed.

(R.BASANT, JUDGE)

rtr/-